

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTOPHER KING, J.D. A/K/A
KINGCAST, and JOHN NOVAK,

Plaintiffs,

v.

LIQUOR AND CANNABIS BOARD OF
THE STATE OF WASHINGTON; JANE
RUSHFORD, Chair of the Liquor and
Cannabis Board; RICK GARZA, Director
of the Liquor and Cannabis Board; JAY
INSLEE, Governor of Washington;
ROBERT FERGUSON, Washington
Attorney General; WILLIAM P. BARR,
U. S. Attorney General; AND OFFICE OF
NATIONAL DRUG CONTROL POLICY

In their Individual and Official Capacities,

Defendants.

No. 2:20-CV-01494-RAJ

DECLARATION OF
JONATHAN E. PITEL
REGARDING
COMPLIANCE WITH MEET
AND CONFER
REQUIREMENTS

1. I am an Assistant Attorney General in the Licensing and Administrative Law Division of the Office of the Attorney General. In that capacity, I represent Governor Jay Inslee; Attorney General Robert Ferguson; the Liquor and Cannabis Board of the State of Washington; Jane Rushford, immediate past Chair of the Liquor and Cannabis Board; David Postman, Chair

1 of the Liquor and Cannabis Board, and Rick Garza, Director of the Liquor and Cannabis Board
 2 (State Defendants) in the above captioned case. I am at least 18 years of age, competent to testify
 3 as a witness, and have personal knowledge of the facts related in this declaration.

4 2. I make this declaration regarding my compliance with the Honorable Richard A.
 5 Jones' standing order, requiring that prior to filing any motion the parties meet and confer.
 6

7 3. On September 28th, 2021, I notified Plaintiffs Christopher King and John Novak,
 8 via electronic mail that the State Defendants intended to file a motion to dismiss for lack of
 9 jurisdiction and requested that we schedule a time to meet and confer to discuss the motion.

10 4. On September 29th, 2021, Mr. King responded and proposed to meet and confer
 11 at 4:00 p.m. on Monday, October 4th. Mr. King included Ms. Cynjo Raylene Hall on his
 12 responsive email.

13 5. Later on September 29th, 2021, I responded to Mr. King, Mr. Novak, and Ms. Hall
 14 accepting the proposed time and date to meet and confer and sent to each recipient an invitation
 15 to meet via Zoom electronic conferencing at 4:00 p.m. on October 4, 2021.
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17 6. On October 4, 2021, I met and conferred via Zoom with Plaintiffs Christopher
 18 King, John Novak, and Cynjo Ray Hall concerning State Defendants' planned motion to dismiss.
 19 I explained that the basis for the motion to dismiss is that the questions of law raised in the
 20 complaint are state and not federal, thereby making federal court jurisdiction improper.
 21 Additionally, I explained that our position is that all State Defendants are immune from suit
 22 under either the Eleventh Amendment or the doctrine of qualified immunity.
 23

24 7. I clearly identified the legal support for the motion to dismiss, and Plaintiffs
 25 offered their legal basis for disagreement with my position.
 26

1 8. Although the parties had a productive conversation, at the end we agreed to
2 disagree and therefore could not reach agreement that would avoid the need for State Defendants
3 to file their motion to dismiss.

4 9. I declare under penalty of perjury under the laws of the State of Washington that
5 the foregoing is true and correct.
6

7
8 DATED this 5th day of October, 2021.
9

10 ROBERT W. FERGUSON
11 ATTORNEY GENERAL

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